

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Wild Goose Storage, Inc., for Review under Public Utilities Code Section 851 *et seq.* of the Transfer of Indirect Control of Wild Goose Storage, Inc., to Encana Corporation or, in the Alternative, Request for Declaratory.

Application 02-09-006
(Filed September 3, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING LEAVE TO FILE CONFIDENTIAL MATERIALS UNDER SEAL**

By motion filed on September 3, 2002, Wild Goose Gas Storage, Inc. (Wild Goose) requests leave to file under seal the materials in Exhibit C to the instant Application. Exhibit C consists of the financial statements required by Rule 36(b) of the Commission's Rules of Practice and Procedure. The motion is unopposed.

The Commission has generally granted leave, under General Order 66-C and authority cited there, for the filing under seal of unredacted documents containing various kinds of commercially sensitive information, which if disclosed would place a regulated company at an unfair business disadvantage.

Wild Goose makes several persuasive arguments in support of its claims for confidential treatment of Exhibit C. First, Wild Goose notes that these financial statements have not been made public previously, since Wild Goose is not a publicly traded company. The information would be very useful to Wild Goose's competitors in the evolving natural gas storage market, enabling them to develop competitive strategies that would undermine Wild Goose's ability to compete. In addition, the financial statements would provide competitors and

customers with information about Wild Goose's financial limitations, such as how much Wild Goose must recover in order to earn a return on investment, and accordingly would injure Wild Goose's standing in the commercial markets for natural gas storage. In Decision 98-06-083, moreover, the Commission determined to release Wild Goose from the obligation to file similar information to justify its cost floor.

Wild Goose has made a prima facie case that the information at issue should be filed under seal to protect it from unfair business disadvantage. A public hearing on the motion is not needed. Accordingly, the motion to file under seal is granted to the extent set out in the ruling paragraphs below.

IT IS RULED that:

1. The September 3, 2002 motion of Wild Goose Storage Inc. (Wild Goose) for leave to file confidential materials under seal is granted, as further specified in these ruling paragraphs. Wild Goose shall file under seal the financial documents submitted as Exhibit C to the application in this proceeding.
2. The documents identified above shall remain under seal for a period of two years from the date of this ruling.
3. During the two-year period, the documents identified above shall not be made accessible or disclosed to anyone other than Commission staff except pursuant to (a) the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge, or (b) the terms of a reasonable nondisclosure agreement for purposes of this proceeding. Any party intending to include information, which this ruling places under seal, in any document submitted for filing in this proceeding shall submit the unredacted version of the document under seal, together with a redacted version for the public record.

4. If Wild Goose believes that the information which this ruling places under seal should be protected beyond two years, it may file a motion stating the justification for further withholding the documents from public inspection.

Dated January 21, 2003, at San Francisco, California.

/s/ JEAN VIETH

Jean Vieth
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Leave To File Confidential Materials Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated January 21, 2003, at San Francisco, California.

/s/ CLAIRE JOHNSON

Claire Johnson

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

